

### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 9, 16, 29 and 36-38 are amended and claim 40 is newly added. Support for the amendments can be found on at least page 6, lines 26-29 and page 13, lines 16-22 of Applicants' Specification. Claims 1, 4-7, 9-11, 13-19, 22, 24-27, 29-31 and 33-40 remain actively pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

In paragraph 6 on page 2 of the Office Action, claims 1, 9, 16, 29, 36-38 were objected to because of informalities. Applicants respectfully traverse the objection, but in order to advance prosecution have amended the claims to overcome the objection. Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the objection.

In paragraph 8 on page 3 of the Office Action, claims 1, 4-7, 9-11, 13-19, 22, 24-27, 29-31, 33-39 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection, but in the interest of furthering prosecution have amended the claims to overcome the rejection. Applicants respectfully submit that the claims are in condition for allowance. Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the rejections.

In paragraph 8 on page 4 of the Office Action, claim 37 was rejected under 35 USC §102(e) as being anticipated by King et al. (US 5,956,737). In paragraph 9 on page 5 of the Office Action, claim 37 was rejected under 35 USC §102(e) as being anticipated by Koba (US 6,222,947). In paragraph 11 on page 7 of the Office Action, claims 1, 5, 14-15, 38-39 were rejected under 35 USC § 103(a) as being unpatentable over King et al. (US 5,956,737) in view of Seaman (US 6,415,306). In paragraph 12 on page 10 of the Office Action, claims 4 and 9-10 were rejected under 35 USC §103(a) as being unpatentable over King in view of Seaman as applied to claims 1 and 4 above, and further in view of Ross et al. (US 6,026,417). In paragraph 13 on page 12 of the Office Action, claim 6 was rejected under 35 USC §103(a) as being unpatentable over King in view of Seaman as applied to claim 1 above, and

further in view of Nakatake et al. as supplied by the Application in IDS filed 4/3/01. In paragraph 14 on page 13 of the Office Action, claim 7 was rejected under 35 USC §103(a) as being unpatentable over King as applied to claim 1 above, and further in view of Fukui et al. (US 5,742,837). In paragraph 15 on page 13 of the Office Action, claim 11 was rejected under 35 USC §103(a) as being unpatentable over King in view of Seaman and further in view of Ross as applied to claim 9 above, and further in view of Bottomly (US 5,900,002). In paragraph 16 on page 14 of the Office Action, claim 13 was rejected under 35 USC §103(a) as being unpatentable over King in view of Seaman as applied to claim 1 above, and further in view of Burn (US 6,014,137). In paragraph 17 on page 14 of the Office Action, claims 16, 25, 34-35 were rejected under 35 USC §103(a) as being unpatentable over King et al. (US 5,956,737) and in view of Koba (US 6,222,947) and Seaman (US 6,415,306). In paragraph 18 on page 18 of the Office Action, claims 17-19 were rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above and further in view of Yamamoto et al. (US 6,424,742). In paragraph 19 on page 20 of the Office Action, claims 24 and 29-30 were rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Ross et al. (US 6,026,417). In paragraph 20 on page 21 of the Office Action, claim 26 was rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Nakataket al. In paragraph 21 on page 22 of the Office Action, claim 27 was rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman as applied to claim 16 above, and further in view of Fukui et al. (US 5,742,837). In paragraph 22 on page 22 of the Office Action, claim 31 was rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Bottomly (US 5,900,002). In paragraph 23 on page 23 of the Office Action, claim 33 was rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Burn (US 6,014,137). In paragraph 24 on page 24 of the Office Action, claim 36 was rejected under 35 USC §103(a) as being unpatentable over King et al. In paragraph 25 on page 24 of the Office Action, claims 1, 5, 14-15, 36, 38-39 were rejected under 35 USC

§103(a) as being unpatentable over Koba (US 6,222,947) in view of Seaman. In paragraph 26 on page 29 of the Office Action, claim 4 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman and further in view of Ross et al. In paragraph 27 on page 29 of the Office Action, claims 9-10 were rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman and Ross and further in view of King et al. In paragraph 28 on page 31 of the Office Action, claim 6 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 1 above, and further in view of Nakatake et al. In paragraph 29 on page 31 of the Office Action, claim 7 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 1 above, and further in view of Fukui et al. In paragraph 30 on page 32 of the Office Action, claim 11 was rejected under 35 USC §103(a) as being unpatentable over King in view of Seaman and further in view of Ross and King as applied to claim 9 above, and further in view of Bottomly. In paragraph 31 on page 33 of the Office Action, claim 13 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 1 above, and further in view of Burn (US 6,014,137). In paragraph 32 on page 33 of the Office Action, claims 16, 25, 34-35 were rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman. In paragraph 33 on page 36 of the Office Action, claims 17-19 were rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 16 above and further in view of Yamamoto et al. (US 6,424,742). In paragraph 34 on page 37 of the Office Action, claim 24 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 16 above, and further in view of Ross et al. In paragraph 35 on page 37 of the Office Action, claim 26 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 16 above, and further in view of Nakatake et al. In paragraph 36 on page 38 of the Office Action, claim 27 was rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 16 above, and further in view of Fukui et al. In paragraph 37 on page 39 of the Office Action, claims 29-30 were rejected under 35 USC §103(a) as being unpatentable over Koba in view of Seaman as applied to claim 16 above, and further in view of King et al. and Ross et al. In paragraph 38 on page 40 of the Office Action, claim

31 was rejected under 35 USC §103(a) as being unpatentable over King in view of Koba and Seaman and further in view of Ross as applied to claim 29 above, and further in view of Bottomly. In paragraph 39 on page 41 of the Office Action, claim 33 was rejected under 35 USC §103(a) as being unpatentable over Koba and in view of Seaman as applied to claim 16 above, and further in view of Burn. Applicants respectfully traverse the rejections.

King fails to teach or suggest at least providing at least one image placeholder into the plurality of different page layouts, said at least one image placeholder being void of said plurality of images, wherein each of said page layouts having white space between said at least one image placeholder and said plurality of images as required by Applicants' independent claims 1, 16, 36-38. Also, King fails to teach or suggest analyzing each of said different page layouts and spatially balancing said white space between said plurality of digital images and said at least one image placeholder. Rather, King uses a recursive technique to attempt to fit content (e.g., text, pictures, data, graphics, OLE objects, video, sound, etc.) onto a medium. *See* Col. 5, lines 60-62; Col. 41, line 34 – Col. 42, line 3. King does not disclose a placeholder being void of said plurality of images, and furthermore, does not disclose balancing white space between a plurality of digital images and the at least one image placeholder.

Koba fails to remedy the deficiencies of King as Koba also fails to teach or suggest at least providing at least one image placeholder into the plurality of different page layouts, said at least one image placeholder being void of said plurality of images, wherein each of said page layouts having white space between said at least one image placeholder and said plurality of images as required by Applicants' independent claims 1, 16, 36-38. Also, Koba fails to teach or suggest analyzing each of said different page layouts and spatially balancing said white space between said plurality of digital images and said at least one image placeholder. Rather, Koba discloses an image editing apparatus to automatically layout images on a page. *See* Col. 4, lines 3-44; Col. 7, lines 37-41; Col 5 line 57 to Col 6 line 20. The images can be proportionally assigned to pages preventing any excessive blank space. *See* Col. 6, lines 64-67. Koba does not disclose a placeholder being void of said plurality of images, and furthermore, does not disclose balancing white space between a plurality of digital images and the at least one image placeholder.

Seaman fails to remedy the deficiencies of King and Koba as Seaman also fails to teach or suggest at least providing at least one image placeholder into the plurality of different page layouts, said at least one image placeholder being void of said plurality of images, wherein each of said page layouts having white space between said at least one image placeholder and said plurality of images as required by Applicants' independent claims 1, 16, 36-38. Also, Seaman fails to teach or suggest analyzing each of said different page layouts and spatially balancing said white space between said plurality of digital images and said at least one image placeholder. Rather, Seaman disclose placement features 120 on a display medium 110. *See* Col. 3, lines 38-50. The placement feature 120 may have a predefined gap 121 between the placement feature 120 and other boundaries, such as a page boundary. *See* Col. 3, line 61 – Col. 4, line 14. A computer program provides weighted values for the placement features 120. The value is used to place the placement feature 120 on the medium 110. *See* Col. 5, lines 21-37. Seaman further discloses that all area on a display medium 110 that is not occupied by a placement feature 120 is treated as white space. *See* Col. 8, lines 3-5. However, Seaman does not disclose a placeholder being void of said plurality of images, and furthermore, does not disclose balancing white space between a plurality of digital images and the at least one image placeholder.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of numerous applied prior art references is moot, inasmuch as the combination of King, Koba, Seaman and the numerous prior art references still lack any teaching, disclosure, or suggestion concerning a placeholder being void of said plurality of images and balancing white space between a plurality of digital images and the at least one image placeholder as previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.